

## **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

The drawing has been objected to for failing to include reference number 2. It is believed that the Examiner has failed to realize that a corrected drawing figure was submitted with the preliminary amendment, which was filed with the original application. Based upon this fact, it is unclear whether the Examiner has considered the preliminary amendment in preparing the first Office action. In any event, a corrected drawing is attached hereto as a replacement sheet, together with a marked-up copy (as an annotated replacement sheet) showing the changes made thereby. The Examiner's approval of this corrected drawing is requested.

The Examiner has objected to the specification. A substitute specification in compliance with US practice is attached hereto. The Examiner's approval of this substitute specification is requested.

Claims 1, 3, and 6-9 stand rejected as being anticipated by US 6,285,916 to Kadaba et al (hereinafter Kadaba). The Examiner's rejections are traversed for the following reasons.

The device according to the present invention includes a reader for reading machine-readable information associated with the package being delivered and an input system for receiving data identifying a party receiving the package. The input system is incorporated into a recipient identification reader. The recipient identification reader is adapted to read machine-readable identification. Such

information may be available from magnetic strips, such as are provided on credit cards, debit cards, identification cards, etc., or may be chip cards, transponders, or the like.

Kadaba teaches a hand held data acquisition device including a scanner, an IR port, and a touch screen. Signature information may be input to the device via the touch screen. In use, the package bar code is scanned into the device using the scanner, and the recipient enters their signature via the touch screen. Kadaba, however, fails to teach or suggest a recipient identification reader that is "adapted to read machine-readable recipient identifications" as required by the present invention. Rather, and insofar as the Kadaba device teaches essentially the same subject matter as disclosed in the Background section of the present application, it is considered apparent that Kadaba is not especially relevant to patentability of the present invention as defined in claim 1.

With the Kadaba device and system, when the package is delivered to the "recipient", the delivery person scans in the package information, and then has the "recipient" sign on the pressure sensitive screen to acknowledge receipt. There is no identification of the recipient, and no indication of the actual party receiving the package. Rather, the graphical signature information, input via the pressure sensitive screen, is collected and archived and serves as confirmation of receipt by "someone" - with no independent "machine readable" verification of the recipient's identity.

Accordingly, with reference to claim 1, Kadaba fails to disclose or suggest a data acquisition device including an input device "for receiving data identifying a recipient of the object being delivered" wherein "said input system being incorporated into a recipient identification reader (3), said recipient identification

reader being adapted to read machine-readable recipient identifications". Rather, Kadaba only teaches that the recipient may enter their name and signature via the touch screen. It is respectfully submitted that signing on the touch screen is not equivalent to "receiving data identifying a recipient of the object being delivered" since there is no verification that the recipient is signing their own name. Further, entering signature information via the touch screen in no way teaches or suggests the required recipient identification reader, which is adapted to read machine-readable recipient identifications - it being noted that data input via the touch screen is not, in any way, "reading" of machine-readable identification.

For at least the foregoing reasons, claim 1 is not anticipated by the Kadaba reference. Reconsideration and withdrawal of the rejection of claim 1, and claims 3 and 6-9 that depend therefrom, is hereby requested.

Claims 2 and 4-5 stand rejected as being unpatentable over Kadaba in view of US 5,489,773 to Kumar. The Examiner's rejections are traversed for the following reasons.

Kumar teaches a point of sale transaction device incorporating a bar code reader and a credit card reader. The Examiner proposes to combine the magnetic card reader of Kumar with the data acquisition device of Kadaba.

It is respectfully submitted that there is no motivation or suggestion in the art of record to combine the references in the manner required to arrive at the claimed invention. In determining whether references may be combined, it is important to consider the fields of the references and the claimed invention, together with the problems encountered and solved by the references as they compare to those of the invention. Kadaba is directed toward a parcel tracking system, and includes means and methods to track a package through to delivery to a recipient. Kumar is directed

toward a point of sale transaction system that essentially provides a mobile "cash register" wherein the sales clerk may conclude sales transaction in a mobile fashion.

The present invention is directed toward a system that accurately identifies the person receiving a package. There is no reason, apart from the present application, to combine the references in the manner proposed by the Examiner. For example, why would someone skilled in the art of parcel tracking systems (Kadaba) want to incorporate a credit card reader of Kumar? Kadaba does not contemplate credit card transactions, and does not discuss the desirability of accessing recipient information via a magnetic card reader. In the absence of the required suggestion or motivation in the art, it must be concluded that the present application forms the only basis for the combination of references. Accordingly, the rejection is invalid for hindsight, and must be withdrawn.

In light of the foregoing, reconsideration and withdrawal of the rejection of claims 2 and 4-5 is hereby requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. COH-12726.

Respectfully submitted,

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